

IOWA SCHOOL HEALTH LEGAL REFERENCE SUMMARIES

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ABBREVIATIONS – WEBSITES

USC=United States Code
CFR=Code of Federal Regulations
PL=Federal Public Law
IC=Iowa Code
IAC=Iowa Administrative Code

These summaries are not a substitute for the laws, administrative codes, and regulations. For further clarification, refer the full text of the legal references at:

Iowa Legislature Home Page Online <http://www.legis.state.ia.us>

Iowa Code Search <http://www.legis.state.ia.us/COOL-ICE/default.asp?category=billinfo&service=IowaCode>

Iowa Administrative Code search <http://www.legis.state.ia.us/NXT/gateway.dll?ACO?f=templates&fn=default.htm>

United States Code search <http://uscode.house.gov/search/criteria.shtml>

¹ All references to the Iowa Code are to the current edition.

² All references to the Iowa Administrative Code are to the current edition.

ABUSE

Iowa Code Chapters 232.67-.77; 235B¹: 441 Iowa Administrative Code (IAC) 176² Confidential report of child or dependent adult abuse is required by mandated school reporters-licensed school employees, authorized coaches, certified paraeducators, health professionals- to Department of Human Services within 24 hours followed by a written report within 48 hours. Knowingly failing to report could result in civil liability for resulting damages. Licensing boards require approved training verification as part of licensure and renewal. Two-hour training, approved by review panel, is required on employment and then every 5 years.

Iowa Code §280.17; 281 IAC 102 Procedures for charging/investigating incidents of abuse of students by school employees: procedure for reporting, investigating, and disposition of allegations of abuse in K-12.

ACTIVITY PROGRAM

281 IAC 12.6(256) Activity program guidelines and supervised intramural sports of accredited schools.

AGE OF MINORITY

Iowa Code §§599.1-6 Minority extends to age 18 years; all minors attain their majority by marriage. Blood donation-A 17 year old or older may consent to donate blood in a voluntary/ noncompensatory blood program without parent or guardian permission. A 16 year old may donate blood in a voluntary/ noncompensatory blood program with written permission from parent or guardian.

AT-RISK CHILDREN

§§279.51, 280.19; 281 IAC 12.5(13), 281 IAC 67 Describes programs for At-Risk Children as part of the comprehensive school improvement plan.

ATTENDANCE

Iowa Code §§299.1, .1A, .1B, .2, and 19. Requires child age 6 and under age 16 as of September 15 to attend school. If child reaches 16 on or after September 15, compulsory age continues until end of regular school calendar. School officers determine cause of failure to attend for any child over 7 or under 16. Failure to attend, consequences, and exceptions listed.

AUTOMATED EXTERNAL DEFIBRILLATOR (AED)

Iowa Code §135.26 AED grant program. Information at http://www.idph.state.ia.us/ems/aed_pad.asp

BIRTH CERTIFICATE

Iowa Code §§144.13(1), 256.7, 282.3 County birth certificates are vital records and legal documents to verify age for entry to school, driver's education, and other activities. State-issued certificates not required.

COMMUNICABLE-INFECTIOUS DISEASES- POISONINGS

Iowa Code Chapter 139A Health practitioners attending persons with a reportable disease, evidence of a reportable poisoning, or illness from a toxic agent report to Iowa Department of Public Health (IDPH) and local health department. Penalties for violation. Reports are confidential and reporters, reporting in good faith, have immunity from liability. A person knowingly exposing another to danger of contracting a contagious disease is liable for damages and guilty of a simple misdemeanor. Central registry collects and stores data. **Iowa Code §139A.8** Immunization of children. **Iowa Code §139A.35** A minor who seeks diagnosis or treatment for a sexually transmitted disease or infection shall have legal capacity to act and give consent to medical care and service for sexually transmitted disease or infection by a hospital, clinic, or health care provider and consent of another person, including but not limited to consent of a spouse, parent, custodian, or guardian, shall not be necessary.

641 IAC 1.2(1-3) Reportable diseases listed: Specific infectious conditions; noninfectious diseases; occupation related conditions, other reportable diseases.

Iowa Code Chapters 135, 139-148; 641 IAC 1.5(1-5) School nurses report certain suspected disease. School officials report when there is no school nurse. Parents are encouraged to report on children not in school.

641 IAC 1.6(1) Lists isolation and quarantine time periods for chickenpox, diphtheria, rubella, impetigo, infectious hepatitis, rubeola, meningococcal meningitis, mumps, pediculosis, poliomyelitis, scalp ringworm, scabies, scarlet fever, scarlatina, strep throat, smallpox, tuberculosis, whooping cough.

641 IAC 1.8(1) All discharges from infected sources must be handled carefully and properly disposed.

29 USC 653; 29 Code Federal Regulations (CFR) Part 1910.1030 Occupational exposure to bloodborne pathogens. Districts establish policy and guidelines to eliminate or minimize occupational exposure.

Note: School Pandemic information at www.pandemicflu.gov/schoolchecklist.html and www.idph.state.ia.us/adper/flu_pandemic_general.asp

COMMUNITY

Iowa Code Chapter 28 Community empowerment creates partnerships, improves well-being of families with young children, and reduces duplicative barriers to community efforts to improve efficiency and effectiveness of local education, health, and human services programs.

CONFIDENTIALITY

20 USC 1232g; 34 CFR Part 99 Family Education Rights and Privacy Act (FERPA). Student education records are protected, official/confidential documents. Defines education records as all records schools or education agencies maintain about students. Gives parent's rights to review education records, confirm accuracy, seek and amend, and control disclosure (defines conditions when prior consent not required including health or safety emergencies/directory information). Applies to schools receiving Federal education funds and protects paper and computerized records. Requires annual notification and content. *Carey v Population Services International* 431 US 678, 52 L Ed 2d 675, 97 S Ct 2010 and *Roe v Wade*, 410 US 113, 148, 35 L Ed 2d 147, 93 S Ct 705 Family planning counseling. The right to privacy affecting procreation extends to minors.

Iowa Code §22.7 Records are confidential unless otherwise ordered includes personal school information on past, present, or prospective student gathered or created by or for the school.

Iowa Code §125.33 Minors seeking substance abuse voluntary treatment or rehabilitation may consent to care without knowledge and consent of their parents or guardians.

Iowa Code §135I.3 Notification of parent before performance of abortion on a pregnant minor—requirements—criminal penalty. A person shall not perform an abortion on a pregnant minor until at least forty-eight hours prior notification is provided to a parent of the pregnant minor. Lists exceptions and education.

Iowa Code Chapter 141A HIV and AIDS testing and counseling are confidential. Information disclosure prohibited without specific written consent of the person.

Iowa Code §§228.2-.3 Mental health information disclosure protected unless authorized, documented on record, and disclosure of legal consequences stated. Information is transferred to another facility or health professional in an emergency or if proper consent forms are signed. Voluntary mental health information disclosure is by written specific authorization.

Iowa Code §280.24 Procedures for reporting drug or alcohol possession or use. The school shall prescribe procedures to report any use or possession of alcoholic liquor, wine, or beer or any controlled substance on school premises to local law enforcement agencies, if the use or possession is in violation of school policy or state law. The procedures may include a provision, which does not require a report when school officials determine a school at-risk or other student assistance program would be jeopardized if a student self reports.

Iowa Code §280.25 Information sharing—interagency agreements. The school adopts a policy and rules on sharing information in a student's permanent record pursuant to an interagency agreement with state and local agencies part of the juvenile justice system. The disclosure of information is directly related to the juvenile justice system's ability to effectively serve the student. ... The student handbook contains the policy.

281 IAC 41.29, 41.31 Confidentiality of special education records and information. Includes definitions, information, confidentiality, records access, information types and locations, fees, consent, and safeguards.

Iowa Code §331.909 Multidisciplinary community services teams. A county or multicounty consortium of agencies providing health, counseling, economic assistance, education, law enforcement, or therapeutic services may establish a multidisciplinary team for more effective planning and delivery of services to an individual or family under listed conditions: ...

Iowa Code §622.10 Communications in professional confidence—exceptions—application to court. A practicing ... registered nurse, who obtains information by the person's employment, shall not be allowed, in giving testimony, to disclose any confidential communication properly entrusted to the person in the person's professional capacity, and necessary and proper to enable the person to discharge functions of the person's office according to usual course of practice or discipline. Exceptions listed.

CRISIS PLAN

20 USC Title IV-A Section 4114 Requires a crisis management plan and security procedures for the time students are at school and on the way to and from school.

DENTAL HYGIENE

Iowa Code §280.7 Public school districts may establish and maintain dental clinics for children and offer courses for instruction on oral hygiene.

DISABILITIES

29 USC Section 794; 34 CFR Part 104 Rehabilitation Act, Section 504 prohibits discrimination on the basis of disability in any educational program receiving federal financial assistance.

EAR PROTECTION

Iowa Code §280.11 Every student and teacher must wear ear protective devices when participating in an activity that may subject them to risk of hearing loss.

EDUCATION

Iowa Code Chapter 280 Uniform school requirements. **Iowa Code §280.12** School improvement advisory committee required. Lists recommended activities.

281 IAC 12 General accreditation standards for all Iowa students to fulfill state responsibility for making available appropriate educational program with high expectations.

ENVIRONMENT

Iowa Code Chapter 88B Asbestos removal and encapsulation. **Iowa Code Chapter 110** Hazardous chemical risks and right to know.

Iowa Code Chapter 297 New school buildings site and construction criteria, waste disposal, food service, occupational and boiler safety, school swimming pools.

EYE PROTECTION

Iowa Code §280.10 Students and teachers must wear eye-protective devices when there is a risk of eye injury.

HEALTH CURRICULUM

Iowa Code §256.11(1-2): 281 IAC 12.5(1)-(2) A prekindergarten program design is to help children work and play with others, express themselves, learn to use and manage their bodies, and understand the world about them. Kindergarten includes experiences designed to develop healthy emotional and social habits and the ability to protect and increase physical well-being.

Iowa Code §256.11(3); 281 IAC 12.5(3)"e-g" Health areas taught in grades 1-6 include personal health, food and nutrition, environmental health, safety and survival skills, consumer health, family life, substance abuse and nonuse, human sexuality, self esteem, stress management, interpersonal relationships, emotional and social health, health resources, prevention and control of disease, characteristics of communicable diseases including acquired immune deficiency syndrome; physical education; and traffic safety.

Iowa Code §256.11(4): 281 IAC 12.5(4)"e-f" Health areas taught in grades 7 and 8 include personal health, food and nutrition, environmental health, safety and survival skills, consumer health, family life, substance abuse and nonuse, human sexuality, self esteem, stress management, interpersonal relationships, emotional and social health, health resources, prevention and control of disease, characteristics of communicable diseases including sexually transmitted diseases and acquired immune deficiency syndrome; and physical education.

Iowa Code §256.11(5): 281 IAC 12.5(5)"e-f " Minimum areas offered and taught in grades 9-12 Health (one unit) include personal health, food and nutrition, environmental health, safety and survival skills, consumer health, family life, human growth and development, substance abuse and nonuse, emotional and social health, health resources, prevention and control of disease, characteristics of communicable diseases including sexually transmitted diseases and acquired immune deficiency syndrome, current crucial health issues, human sexuality, self esteem, stress management, interpersonal relationships; physical education (one unit) All students physically able are required to participate in physical education activities during each semester a minimum of 1/8th unit each semester, exceptions listed.

Iowa Code §279.50 Human growth and development instruction. Each school provides instruction in kindergarten, relating to life skills and human growth and development. In grades 1-12 the school provides instruction including human sexuality, self-esteem, stress management, interpersonal relationships, domestic abuse, and acquired immune deficiency; syndrome. Annual information is provided for parents or guardians and they may request the pupil be excused. There are periodic instructional programs for staff, parents, and community members.

HEALTH SERVICES

Iowa Code 256.7(24): 281 IAC 12.3(7) The board adopts policy for implementation of a school health services program consistent with 281-41.96(256B) **281 IAC 12.3(11)** Requires a health services policy.

Iowa Code §280.16 Students with asthma or other airway constricting diseases shall self-administer medication at school with a parental and physician signed consent form on file requirements specified. Student does not show competency to self-administer. **281 IAC 41.12(11)** Medication administration. See Medication.

Iowa Code §280.23 Student health services. School authorities shall not require nonadministrative personnel to perform student special health services or intrusive nonemergency medical services unless personnel are licensed, otherwise qualified, and have consented to perform the services.

281 IAC 41.48(3) Full and individual evaluation of individual's educational needs is completed before any action is taken to provide special education and related services. A full and individual evaluation includes... Collection of additional information including, if appropriate, assessment or evaluation of health, vision, hearing, social and emotional status ...

281 IAC 41.96 Special health services. Contains definitions and requirement that each board, in consultation with licensed health personnel, establish policy and guidelines for provision of confidential special health services. Specifies contents including: Licensed health personnel provide special health services. Duties of licensed personnel include Participate as a member of education team; Provide health assessment; Plan, implement, and evaluate written individual health plan; Plan, implement, and evaluate special emergency health services; Serve as liaison and encourage participation and communication with health service agencies and individuals providing health care; Provide health consultation, counseling and instruction with pupil, parent and staff in cooperation and conjunction with prescriber; Maintain a record of special health services. Documentation includes pupil's name, special health service, prescriber or person authorizing, date and time, signature and title of person providing special health service,

and any unusual circumstances in service provision; Report unusual circumstances to prescriber, parent, and school administration; Assign and delegate, instruct, provide technical assistance, and supervise qualified designated personnel and update knowledge and skills to meet special health service needs. Before provision of special health services the following are on file: Written prescriber statement detailing specific method and schedule of special health service; pupil's parent written statement requesting provision of the special health service; written report of preplanning staffing or meeting of education team; and written individual health plan. Licensed health personnel, in collaboration with the education team, determine special health services to be provided and qualifications of individuals performing special health services. Documented rationale includes Analysis and interpretation of special health service needs, health status stability, complexity of the service, predictability of service outcome, and risk of improperly performed service; The special health service, task, procedure, or function is a part of the person's job description; Determination of the assignment and delegation based on the pupil's needs; Review of designated person's competency; and Determination of initial and ongoing level of supervision required to ensure quality services. Licensed health personnel supervise special health services, define level of supervision, document supervision, and instruct qualified designated personnel to deliver and perform special health services in the individual health plan. File documentation of instruction and periodic updates at school. Parents provide usual equipment, supplies, and maintenance. Equipment is stored in a secure area. Personnel responsible for equipment; provision, supply, storage, maintenance of equipment; school and parent roles, and others designated in individual health plan.

HOMELESS IN SCHOOL

20 U.S.C. 6201, Title X Part C, Subtitle B, Sec. 721-723; Iowa Code §256: and 281 IAC 33.5. Education of homeless children and youth laws ensure homeless students opportunities to meet the same challenging student academic achievement standards of all students. A public school shall not refuse to enroll or exclude a homeless child for lack of immunization records if any of the following: Parent or guardian 1) has an official statement from a licensed physician that immunizations would be injurious to the health of child or family members, 2) has an affidavit that immunization conflicts with tenets of their recognized religious denomination (unless an emergency or epidemic exists), 3) has begun required immunizations and is continuing schedules as rapidly as possible, 4) declares that child is a transfer from another school. If no records are available and none of above exemptions applies, the child should be referred to local board of health for immunization and be provisionally enrolled.

Iowa Code Chapter 256: 281 IAC 33.11 District makes available all services, including health services and food nutrition programs, on same basis services are provided to resident pupils.

IMMUNIZATIONS

Iowa Code Chapter 139A: 641 IAC 7 All persons enrolled or attempting to enroll in a licensed child-care center, a public or nonpublic elementary, or secondary school including those who are provided competent private instruction submit a valid Iowa department of public health immunization certificate to admitting official. Exemptions are permitted on an individual basis for medical (health provider signed medical exemption with expiration date), and religious (notarized statement that immunization conflicts with the tenets of a recognized religion of which the child is a member—except in times of emergency or epidemic), and provisional enrollment-up to 60 days, if immunization has begun and is proceeding as rapidly as medically possible or student is a transfer student. The applicant must be notified in writing 10 days before the expiration if the agreement is not met, and an informational conference must be setup. Those failing to comply without medical excuse shall be excluded from the total school program immediately. Extension allowed accompanied by a doctor's statement. **641 IAC 7.4** Lists required immunizations.

641 IAC 7.9 Compliance. Applicants not presenting proper evidence of immunization, or exemption, are not entitled to enroll. It shall be the duty of the admitting official to ensure the immunization certificate is on file for each child enrolled, deny enrollment to any applicant who does not submit proper immunization evidence and exclude a provisionally enrolled.

281 IAC 31.2(1)a.(7) Competent private instruction/dual enrollment. Evidence of immunization of child, as required by law, if child is being placed under competent private instruction for first time.

INSURANCE FOR CHILDREN

Iowa Code Chapter 514I Healthy and Well Kids in Iowa (**hawk-i**) Insurance coverage for children-program provides coverage for qualified uninsured Iowa children. DHS manages the **hawk-i** program.

LIABILITY

Iowa Code §§670.1-.13 Tort liability. District is subject to liability for its torts and those of its officers and employees, acting within scope of employment/ duties.

MEDICAID

20 USC1412(a)(12)(A), (B), (C), 1401(8): 34 CFR 300.142e: Iowa Code Chapter 249A: 441 IAC 77, 78, 79, 80, 88 Medicaid school special education reimbursement. **Iowa Code §256B.15: 441 IAC 77.28, 78.32, 79.1(2), 79.3, 80, 88.5(3)c-AEA. 441 IAC 77.44, 78.50, 79.1(2), 80, 88.5(3)k**-Local Education Agencies. **IAC 77.43, 78.49, 79, 88.5(3)j**-Early Access.

Information at www.state.ia.us/educate/ecese/cfcs/medicaid/index.html

MEDICATION

Iowa Code §§124.101(1), 147.107, 155A.4(2)“c” Designates the Iowa Board of Pharmacy the responsibility of determining who can administer medication. **657 IAC 8.32** Individuals qualified to administer. The board designates the following as qualified individuals to whom a practitioner may delegate the administration of prescription drugs. Any person specifically authorized under pertinent sections of the Iowa Code to administer prescription drugs shall construe nothing in this rule to limit that authority. 1. Persons who have successfully completed a medication administration course...

Iowa Code §280.16 Students with asthma or other airway constricting diseases shall self-administer medication at school with a parental and physician signed consent form on file requirements specified. Student does not show competency to self-administer.

281 IAC 41.12(11) Medication administration. Each agency establishes a medication administration policy and procedures. Content of policy and procedures listed including information and confidentiality. 20 USC 1412(a)(25), 34 CFR 300.174 requires, School “personnel are prohibited from requiring parents to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) for a child as a condition of attending school, receiving an evaluation, or receiving services. Nothing in previous sentence shall be construed to create a prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services.”

MULTICULTURAL

Iowa Code §256.11: 281 IAC 12.5(8) Multicultural gender fair approaches in educational program requirements.

PHYSICAL EXAMS

281 IAC 12.4(14) Physical examination. The local board requires each employee to file, after an offer of employment is made and before or within six weeks of the beginning of service, certification of fitness to perform the tasks assigned in the form of a written report of a physical examination by a licensed physician and surgeon, osteopathic physician and surgeon, osteopath, or qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner.

281 IAC 36.14(1) Interscholastic athletics. Student defined as a school age person enrolled in grades 9-12. Athletic physical exam. Every year each student presents a certificate signed by a licensed physician and surgeon, osteopathic physician and surgeon, osteopath, or qualified doctor of chiropractic, qualified physician assistant, or advanced registered nurse practitioner that the student has been examined and may safely engage in athletic competition. Certificate is valid for one calendar year. A grace period not to exceed 30 days is allowed for expired physical certifications. Form at www.iahsaa.org/forms.htm

Iowa Code Chapter 285: 281 IAC 43.15-.17 School bus driver physical fitness. Except for insulin-dependent diabetics, applicant for school bus driver's authorization undergoes a biennial physical exam by a licensed physician or surgeon, osteopathic physician and surgeon, osteopath, qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner. The applicant submits signed certificate annually to employer indicating physical fitness (specific requirements listed).

RECORDS

Iowa Code Chapter 22: 281 IAC 12.3(4) Student records. Each board establishes and maintains a system of student records. This system includes a student permanent office record and a cumulative record. The permanent office record serves as a historical record of official information concerning the student's education. At a minimum, the permanent office record should contain evidence of attendance and educational progress, serve as an official transcript, contain other data for use in planning to meet student needs, and provide data for official school and school district reports. This record is permanently maintained and stored in a fire-resistant safe or vault or can be maintained and stored electronically with a secure back-up file. The cumulative record shall provide a continuous and current record of significant information on progress and growth. It should reflect information such as courses taken, scholastic progress, school attendance, physical and health record, experiences, interests, aptitudes, attitudes, abilities, honors, extracurricular activities, part-time employment, and plans. It is the “working record” used by instructional professional staff in understanding the student. At the request of a receiving school or school district, a copy of the cumulative record is sent to officials of that school when a student transfers. For the sole purpose of implementing an interagency agreement with state and local, a student's permanent record may include information contained in the cumulative record as defined above. The board adopts a policy on accessibility and confidentiality of student records that complies with the federal Family Educational Rights and Privacy Act of 1974 and Iowa Code Chapter 22.

SCHOOL FOOD PROGRAM

42 USC 1788 Federal law requires nutrition education and training. **7 CFR 11.210.10A(1)** Schools make food substitutions on a case by case basis for students when supported by a statement of need and alternate foods signed by a physician or medical authority.

Iowa Code Chapter 283A All public schools provide school meal programs. Lunch programs required.

Child Nutrition and WIC Reauthorization Act of 2004. SEC. 204. LOCAL WELLNESS POLICY. By June 30, 2006, each local educational agency participating in a program authorized by National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) establishes a local school wellness policy for schools under the local educational agency that, at a minimum includes goals for nutrition education, physical activity, and other schoolbased activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate; nutrition guidelines selected by the local

educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity; provides an assurance guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued in the Child Nutrition Act (42 U.S.C. 1779) and sections 9(f)(1) and 17(a) of the National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)), as those regulations and guidance apply to schools; establishes a plan for measuring implementation of local wellness policy, including designation of 1 or more persons within local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring the school meets the local wellness policy; and involves parents, students, representatives of the school food authority, the school board, school administrators, and the public in development of the school wellness policy.

SCHOOL NURSE

281 IAC 12.4(12) Each board employing a nurse shall require a current license filed with the superintendent.

281 IA 41.9(3) Special education nurse. Professional registered nurse who assesses, identifies, and evaluates health needs of disabled pupils; interprets health needs to families and educational personnel as they relate to the pupils' strengths and educational limitations; implements specific activities commensurate with the practice of professional nursing; and integrates health care in the educational program.

282 IAC 15.3(14) Special education nurse is authorized by a statement of professional recognition (SPR). Program requirements: Baccalaureate or master's degree in nursing; current Iowa Board of Nursing license; two years' experience in public health nursing, including service to schools or as a school nurse. Temporaries. A nurse who does not meet experience criteria must complete six semester credits of graduate or undergraduate course work in special education within school year. Procedure for acquiring SPR: Special education director (or designee) of area education agency submits a letter to Board of Educational Examiners requesting that SPR be issued; copy of license issued by the Iowa Board of Nursing; an official transcript; and verification of two years' experience in public health nursing, including service to schools or as a school nurse. A temporary SPR is issued for one school year, and an approved human relations course must be completed before the start of the next school year.

282 IAC 14.20(11) School nurse endorsement. The holder is authorized to provide service as a school nurse, prekindergarten - 12th grade. Program requirements: Degree—baccalaureate, approved human relations program, professional education core, and a current license. Endorsed nurses may teach Health at all grade levels. School Nurse Endorsement is optional and not required to be employed as a school nurse.

282 IAC 16.1(3)a Health occupations secondary career endorsement for noneducators to instruct health occupations.

Iowa Code §279.13 School Nurse contract shall be in writing, stating number of contract days, annual compensation, any other matter as may be mutually agreed upon, and is not to exceed a term beyond the school year except as otherwise authorized. Contract is signed by the Board and nurse and on file before the nurse enters into performance under the contract.

Iowa Code §152.1(1-2) The "practice of nursing" means practice of a registered nurse or a licensed practical nurse. Nursing Practice Definitions. "Practice of profession of a registered nurse" means practice of a natural person who is licensed by board to do all of the following a through f.

Iowa Code §152.1(3) The "practice of a licensed practical nurse" means the practice of a natural person licensed by the board to do all of the following: a) Perform supportive or restorative services under the supervision of an RN or MD, b) Perform, under emergency conditions, additional acts that require additional training or education and are recognized by medical and nursing professions as proper for an LPN

Iowa Code §152.10 Nursing license can be revoked or suspended for the following reasons: a) Willful violation of the rules of the Board; b) Continued practice while knowingly having an infectious disease that could harm client welfare; c) Conviction for a felony in any state; d) Having your professional license revoked or suspended or having professional discipline in another state; e) Knowingly assisting procuring, advising, or allowing a person to unlawfully practice nursing; f) Being adjudicated as mentally incompetent; g) Being guilty of willful or repeated departure from minimum standards of practice, and h) Being impaired by illness or addiction from safe and skillful practice of nursing.

Iowa Code Chapter 272C A licensee has a continuing duty to report to the licensing board acts or omissions. A licensee who willfully fails to comply commits a violation, and discipline may be imposed.

655 IAC 6.1 Nursing practice for registered nurses selected definitions. *Accountability*: Obligated to answer for one's acts including supervision. *Competence*: Knowledge and ability to perform, skillfully and proficiently, the functions within the role. Minimum standards: Standards of practice that interpret legal definition of nursing and provide criteria to determine violations of the law. *Nursing diagnosis*: Judgment following assessment to form basis for determining effective interventions. *Nursing process*: Ongoing assessment, nursing diagnosis, planning, intervention, and evaluation. *Proximate area*: Registered nurse analyzes qualification of the LPN in relationship to client nursing needs to determine appropriate distance within building and time necessary to be readily available. *Unlicensed assistive personnel*: Individual trained to function in assistive role in providing nursing care activities as delegated by the RN or LPN.

655 IAC 6.2(1-5) The RN recognizes and understands legal implications within the scope of nursing practice and utilizes the nursing process and prevailing practice, conducts nursing practice by respecting the rights of clients and respecting confidentiality (unless legally compelled to disclose), and recognizes and understands the legal implications of accountability including but not limited to the list. "c. *Using professional judgment in assigning and delegating activities and functions to unlicensed assistive personnel. Activities and functions which are beyond the scope of practice of the licensed practical nurse may not be delegated to unlicensed assistive personnel. For the purposes of this paragraph, "unlicensed assistive personnel" does not include certified emergency medical services personnel authorized under Iowa Code chapter 147A performing nonlifesaving procedures for which those individuals have been certified and which are designated in a written job description, after the patient is observed by a registered nurse.*"

655 IAC 6.3(6) When the LPN provides nursing care requiring knowledge and skill level of the RN in a non-acute setting, the RN or physician must be present in the proximate area. Settings include:...b) School nursing. **6.6(2)** The LPN is permitted to provide supportive and restorative care to a specific student in the school setting in accordance with the student's health plan when under the supervision of and as delegated by the registered nurse employed by the school district.

Iowa Code §143(1): 641 IAC 79.2 Public health nurse may be employed through a contract listing time and duties with a school district to provide public health nursing services. A public health nurse is an RN with a baccalaureate degree in nursing or related field, has knowledge of prevention, health promotion, community health nursing, and public health concepts.

Attorney General Opinion, March 10, 1988. #88-3-3(L) School Health. Withholding life-sustaining procedures. School is not a health care provider under law and therefore has no mandate either to withhold life sustaining measures or transfer a terminally ill child to another facility. A court order is advisable before agreeing to neither summon medical personnel nor give first aid to a terminally ill child.

Declaratory Rulings, Iowa Board of Nursing, apply to the specific situation in question only. Listing at http://www.state.ia.us/nursing/declaratory_index.html

SPECIAL EDUCATION

20 USC, Chapter 33: Title 29, USC, Chapter 16, §794: Title 34, CFR, Part 300: Iowa Code §§280.8, 256, 256B, 273.5; 281 IAC 41 Federal Law, the Individuals with Disabilities Education Improvement Act (IDEA) of 2004 mandates special education and related service programming are available for all children and youth with disabilities that require them. Federal funds available to help state and local governments establish and maintain special education programs for students with disabilities as well as provide the related services students need to benefit from special education. School nurse services are defined as a related service enabling the student to attend school, are included in the IEP, and provided by a qualified school nurse or other qualified person. **US Supreme Court, March 3, 1999, No. 96-1793, Cedar Rapids Community School District v. Garret F.** IDEA requires District to provide Garret with nursing services (ventilator, catheterization, nutrition, positioning, suctioning) required during school.

STUDENT RESPONSIBILITY AND DISCIPLINE

281 IAC 12.3(6) Board adopts student responsibility and discipline policies. Policies include and are not be limited to, attendance; use of tobacco and the use or possession of alcoholic beverages or any controlled substance; harassment; violent, destructive, and seriously disruptive behavior; suspension, expulsion; emergency removal; weapons; physical restraint; out-of-school behavior, participation in extracurricular activities, academic progress; and citizenship.

SUBSTANCE USE

Iowa Code §279.9 Rules prohibit use of tobacco, use or possession of alcoholic liquor, wine, or beer or any controlled substance by any student, and board may suspend or expel a student for rules violation. NCLB Title IVC §4301 et seq. prohibits smoking in indoor school facility.

20 USC 3217 Drug-Free Schools and Communities Act Federal law requires school districts to develop and implement age-appropriate, developmentally based drug and alcohol education and prevention programs for all students served P-12, and drug-free school zones.

TRANSPORTATION-SCHOOL BUS

Iowa Code §321.69: 281 IAC 43.1, 44.1 School bus means every vehicle operated for the transportation of children to and from school, except vehicles: Privately owned and not operated for compensation; used exclusively in the transportation of the children in the immediate family of the driver; operated by a municipally or privately owned urban transit company for transportation of children as part of or in addition to their regularly scheduled service; or designed to carry not more than 9 persons as passengers, either school owned or privately owned, that are used to transport pupils to activity events in which the pupils are participants or used to transport pupils to their homes in case of illness or other emergency situations and are operated by employees of the school district who are specifically approved by the local superintendent of schools for the assignment.

Guideline: Transporting Students. Individuals transporting students should review their district policies on school personnel transporting students on school business, especially regarding insurance coverage. When necessary to transport a student, the school vehicle would be the first choice [IC 321.1(69)].

HIGHLIGHTS OF FEDERAL LEGISLATION

42 USC §§12101 et seq.: 28 CFR Part 35 Americans with Disabilities Act (ADA) Guarantees equal opportunity for individuals with disabilities. Plan required.

20 USC 1232g: 34 CFR Part 99 Family Educational Rights and Privacy Act (FERPA) Requires private/confidential student education records. (Buckley Amendment)

20 USC 33 §§1400 et seq.: 34 CFR, Parts 300-399 Individuals with Disabilities Education Act, (IDEA) Assures all children with disabilities have available to them a free, appropriate public education (FAPE) which emphasizes special education and related services designed to meet their unique needs and assesses and assures effectiveness of efforts to educate all children with disabilities.

20 USC 6301 et seq.: 34 CFR Parts 200, 201, 203, 208, 221 No Child Left Behind Act formerly Elementary and Secondary Education Act (ESEA) Education reform efforts in schools expanding efforts to improve teacher quality and ensure accountability for results. **NCLB Title IV, Part B: Iowa Code 257.50** 21st Century

Community Learning Center Grant districts collaborate with community-based organizations using research-based methods.

29 USC 653; 29 CFR Part 1910.1030 Occupational exposure to bloodborne pathogens. District establishes policy/guidelines to eliminate/minimize occupational exposure.

29 USC §794(a): 34 CFR Part 104 Rehabilitation Act (Section 504) Provides individuals with a disability rights to be included in any program or activity receiving federal financial assistance. School must provide appropriate educational programming and address accessibility issues, including physical accessibility to school facilities.

20 USC §44, 2301 et seq.: 34 CFR Part 400-499 Vocational Educational Act (Perkins Act) Authorizes federal funds to support vocational education programs to improve access of the underserved or those with greater than average educational needs. Requires vocational education for students with disabilities.

¹ All references to the Iowa Code are to the current edition.

² All references to Iowa Administrative Code are to the current edition.